

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

In re:)	
)	Case No. 19-71008-FJS
MYRTLE OLIVIA RAWLES,)	
)	
<i>Debtor.</i>)	Chapter 13
)	

ORDER

On March 19, 2019, Carolyn A. Bedi, counsel for the above-captioned Debtor, filed bankruptcy petition on the Debtor's behalf, commencing a case under Chapter 13 of the United States Bankruptcy Code. The petition contains the following electronic signature for the Debtor: “/s/ Donna Rawles POA for Myrtle Rawles.”¹ On the same date, Ms. Bedi filed a certificate of credit counseling, which indicates that Donna Rawles completed the credit counseling course required by § 109(h)(1) on March 15, 2019.² On April 2, 2019, Ms. Bedi filed lists, schedules, statements, and a chapter 13 plan on behalf of the Debtor, which are also signed by Donna Rawles for the Debtor.

The Court entered an order on April 3, 2019, requiring Ms. Bedi to appear and show cause as to why this case should not be dismissed because Donna Rawles lacked the requisite authority under applicable law to commence a bankruptcy case on the Debtor's behalf (the “Order to Show Cause”). On the same day, Ms. Bedi filed a motion seeking to appoint Donna Rawles as the Debtor's representative in this case (the “Motion to Appoint”).

¹ POA presumably refers to “power of attorney.”

² Ms. Bedi also filed a credit counseling certificate indicating that the Debtor completed the credit counseling course required by § 109(h)(1) on March 17, 2019.

The Court conducted hearings on the Order to Show Cause and the Motion to Appoint on April 16, 2019. Ms. Bedi and counsel for the Chapter 13 Trustee appeared. Donna Rawles did not appear. Counsel for the Chapter 13 Trustee expressed concern regarding Donna Rawles' failure to appear, and represented to the Court that she did not support the Motion to Appoint. Upon inquiry from the Court, Ms. Bedi was unable to provide why Donna Rawles failed to appear. Based upon the representations made by Ms. Bedi and the Chapter 13 Trustee, and Donna Rawles' failure to appear, the Court determined that the Motion to Appoint must be denied and the Order to Show Cause should be dismissed (the "Oral Rulings"). An order memorializing the Oral Rulings has not yet been entered on the docket.

Upon further consideration, the Court finds it must vacate the Oral Rulings. The Court wishes to make a deposition of this matter that is in the Debtor's best interest, and would like to afford Donna Rawles an opportunity to appear and explain why she is eligible to serve as the Debtor's representative. Therefore, the Court finds the hearings on the Motion to Appoint and the Order to Show Cause should be continued.

Accordingly, the Court ORDERS that the Oral Rulings are VACATED.

Further, the Court ORDERS that the hearings on the Motion to Appoint and the Order to Show Cause are CONTINUED.

Finally, the Court ORDERS Ms. Bedi must contact the Court to obtain a continued hearing date and provide the Court with a notice of continued hearing on or before April 26, 2019, or this case will be dismissed without further hearing.

The Clerk shall deliver copies of this Order to the Carolyn A. Bedi, counsel for the Debtor; the Debtor; the Chapter 13 Trustee; and the Office of the United States Trustee.

IT IS SO ORDERED.

/s/ Frank J. Santoro

Apr 18 2019

FRANK J. SANTORO
United States Bankruptcy Judge